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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,217	06/01/2000	Alexander C. Vlachos	0100.0000350	4894

29153 7590 11/18/2005

ATI TECHNOLOGIES, INC.
C/O VEDDER PRICE KAUFMAN & KAMMHOLZ, P.C.
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CHICAGO, IL 60601

EXAMINER

JANKUS, ALMIS R

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/585,217

Applicant(s)

VLACHOS ET AL.

Examiner

Almis R. Jankus

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 13-26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 13-26, 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. Applicants' response of 03/03/05 has been fully considered in preparing this Office Action.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Potter et al. in view of Junkins for the reasons stated in the prior Office Action.
4. Claims 2, 5, 9, 22, 24 and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Potter in view of Junkins and further in view of Hochmuth et al. for the reasons stated in the prior Office Action.
5. Claims 3 and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Potter in view of Junkins and further in view of Gloudemans et al. for the reasons stated in the prior Office Action.

6. Claims 4 and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Potter in view of Junkins and further in view of Owen for the reasons stated in the prior Office Action.

7. Claims 6-8, 11, 13, 17-19 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Potter in view of Junkins and Hochmuth and further in view of Peercy et al. for the reasons stated in the prior Office Action.

8. Claim 14 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Potter in view of Junkins, Hochmuth and Peercy and further in view of Owen for the reasons stated in the prior Office Action.

9. Claim 16 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Potter in view of Junkins, Hochmuth and Peercy and further in view of Gloudemans for the reasons stated in the prior Office Action.

10. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Potter et al. in view of Junkins.

Claim 28 is similar to claim 1 and is rejected under the rationale provided for the rejection of claim 1 for corresponding respective features.

11. Applicant's arguments filed 03/03/05 have been fully considered but they are not persuasive. In the remarks, applicants argue that Potter et al. fails to teach any of the claim details regarding tessellation. However, the details of tessellation were notoriously well known in the art at the time of the instant invention. It is sufficient for Potter et al. to teach that tessellation was performed by their system, the details of such being well known. Applicants state that Potter uses the term "tessellation" to describe the breakdown of a 3D image into a plurality of triangles defined in 3D space instead of the original primitive being tessellated into a plurality of component primitives. However, the 3D image of Potter corresponds to the original primitive of the instant invention; and the plurality of triangles defined in 3D space of Potter correspond to the component primitives of the instant invention.

In response to applicant's argument that the Hochmuth reference refers to the untessellated vertex, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Further, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413,

208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

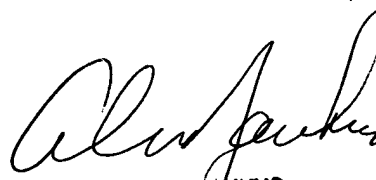
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almis R. Jankus whose telephone number is 571-272-7643. The examiner can normally be reached on M-F, 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AJ



ALMIS R. JANKUS
PRIMARY EXAMINER